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Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes on his mission to DENMARK and GREENLAND: comments by Greenland*

* Reproduced as received.

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Special rapporteur final report comments from Government of Greenland

Comments transmitted on 31 August 2018:

Re front page:

1. Since the visit took place in both Denmark and Greenland, we recommend that the title of the report should address this by including Greenland in the title.

Re paragraph 49:

2. *"In 1953, Greenland became an integral part of the Danish Realm. According to Article 28 of the Danish Constitution, Greenland was to be represented by two members in the Danish Parliament."*

3. The Government of Greenland suggests: "*Greenland is represented by two members in the Danish Parliament.*"

Re paragraph 49:

4. *"Greenland has to be consulted in the ratification of international instruments and can establish representation in countries and institutions of specific interest."*

5. The Government of Greenland suggests: Furthermore, Greenland has to be consulted in the ratification of international instruments of specific relevance to Greenland. This also includes in matters of Foreign Policy and military activity in Greenland. Furthermore, Greenland has established representation in the Kingdom of Denmark's embassies in countries and institutions of specific interest.

Re paragraph 52:

6. *"The Ministry of Fisheries, Hunting and Agriculture is responsible for fisheries policy and for agriculture*" should read "The Ministry of Fisheries, Hunting and Agriculture is responsible for fisheries **and hunting** policy and for agriculture"

Re paragraph 58:

7. *"The Special Rapporteur underlines the need to continue investing in research on the consequences of Artic pollution and the special relevance of ensuring access to information and the development of alternative dietary options"*

8. The Government of Greenland acknowledge the conclusion drawn regarding contamination of food sources. No protocol has been established to test for heavy metals in domestic foodstuffs, as opposed to fish products exported, where samples are taken to comply with EU legislation. At present, more aggregate data on the impact of public health is missing. The Government of Greenland therefore suggests that development of such a protocol takes precedence over developing alternative dietary options.

9. The Arctic Monitoring and Assessment Program, AMAP has during many years provided information about pollution levels in Greenlandic and other Arctic marine mammals based on AMAP protocols and provided information about dietary alternatives. AMAP Assessment 2015, 2009 Human Health in the Arctic; Arctic Monitoring and Assessment Programme.

Re paragraph 59:

10. *"The fishing industry is in fact a key pillar in the Greenlandic economy and reports were shared with the Special Rapporteur with regard to the overfishing of some species such as salmon and halibut".*

11. The Government of Greenland kindly informs regarding the current situation of fishing of salmon and Greenland halibut. The North Atlantic Salmon Conservation

Organization (NASCO), of which Greenland is a member, has adopted new regulatory measures for salmon fisheries of West Greenland that addresses this issue. NASCO sets an annual Total Allowable Catch (TAC) of 30 tonnes for the period 2018-2020. Therefore, the Government of Greenland proposes to remove the sentence about salmon.

12. In regard to Greenland halibut, only coastal catches exceed biological advice, at present. The catches taken by the offshore component complies with the biological advice of the Northwest Atlantic Fisheries Organization and the fisheries are MSC certified. Please note that the correct term for type of halibut fished off Greenland is Greenland halibut.

13. The Government of Greenland therefore suggests adjusting the recommendations accordingly.

Re paragraph 62:

14. *"The lack of participation of Greenlandic authorities in past agreements adopted between Danish and U.S. forces, and Greenland's lack of autonomy on defence and foreign matters, have fuelled debates on the responsibilities for cleaning hazardous waste accumulated over decades of U.S. military activity"*

15. The Government of Greenland kindly informs that it is correct to assert a lack of involvement of Greenlandic authorities in past agreements, due to the constitutional status of Greenland. However, the Government of Greenland identifies the prevalent source of this debate as the protracted unwillingness from the Danish and US authorities, until recently, to perform a comprehensive clean-up after US military activities and of abandoned US military sites.

Re paragraph 63:

16. As regards Camp Century, the Government of Greenland takes the position that the polluter or the party that permitted the polluting activities is responsible for cleaning up the pollution as well as damages to humans and the environment

Re paragraph 66:

17. With regards to the proposed studies and projects on monitoring and gauging the risks associated with Camp Century and the reported retraction of the covering ice cap, the Government of Greenland does not necessarily consider these studies and projects to be sufficient. In relation to this, it should also be mentioned that the Government of Greenland does not assume legal responsibility for the detection, investigation and cleanup of pollution including radioactivity in the area.

Re paragraph 67:

18. *"Additional concerns remain among Greenlanders regarding the use of the island as part of the anti-missile shield and the potential risks associated with this".*

19. The Government of Greenland kindly informs that this statement appears unconnected with the topic of the report and suggests removing this statement.

Re paragraph 70:

20. *"Accumulated experiences around the world indicate that uranium mining may be associated with a wide range of potential adverse human health risks. Besides the risks to workers, this specific mine could potentially contaminate and otherwise disturb areas used by the local community, for example as sheep farms"*

21. The Government of Greenland kindly informs that experiences around the world indicates that uranium mining can be performed safely and properly in accordance with the highest health, safety and environmental standards. This statement therefore does not mirror the specific situation in Greenland. Please also see the general comments on the efforts of Environment Agency for Mineral Resources Activities below. The Government of Greenland therefore suggests withdrawing this statement.

Re paragraph 70:

22. *"The capacity of authorities to ensure close monitoring of waste and tailings dumps in the future is another source of concern"*

23. The Government of Greenland kindly informs as background information that monitoring of both historic and current mining projects has been a standard practice in Greenland for decades. Monitoring reports are available online for the former lead-zinc mines at Maarmorilik in North Greenland and Mestersvig in East Greenland, the historic Ivittuut cryolite mine in South Greenland, and more recent mines of Seqi and Nalunaq as examples. An example of a monitoring report can be found here: http://dce.au.dk/udgivelser/udgivelser-fra-dmu/faglige-rapporter/nr-650-699/abstracts/fr684-uk/.

24. Naalakkersuisut is regularly informed of such reports and the national newspaper Sermitsiaq.AG has published articles, for example regarding monitoring results from the recently closed Nalunaq gold mine.

25. For current mining projects, the mining licence is publicly available and contains the standard terms for the regular inspection and monitoring efforts. An example of such a mining licence may be found here: https://naalakkersuisut.gl/~/media/Nanoq/Files/Publications/Raastof/ENG/Hudson%202015-39%20Underskrevet%20Udnyttelsestilladelse.pdf

26. Kindly see article 11.02 and 12.01 of the licence. In the specific exploitation plan mentioned in article 11.02, an environmental monitoring and inspection program is set out, which includes both regular monthly, quarterly, and yearly monitoring and authority monitoring and inspection, in practice carried out by the relevant Environment Agency for Mineral Resources Activities (EAMRA) scientific advisors.

Re paragraph 72:

27. *"The Mineral Resource Authority— comprised of the Bureau of Minerals and Petroleum, and Environmental Protection Agency— is responsible for all matters relating to mineral resources. The Bureau of Minerals may grant exploration licenses (for ten years), and exploitation licenses (once exploration has determined an economically feasible deposit— for thirty years)"*

28. The Government of Greenland kindly informs that the Bureau of Minerals and Petroleum since 2012 is known as the Mineral Licence and Safety Authority. Further, the Government of Greenland kindly informs that the Environmental Protection Agency is the Environmental Agency for Mineral Resource Activities.

Re paragraph 73:

29. *"Detailed guidelines were prepared to orient the process for preparing Social Impact Assessment (SIA) and ensure meaningful participation"*

30. The Government of Greenland kindly informs that detailed guidelines are also prepared for the Environmental Impact Assessment (EIA). The guidelines were updated in 2015, in a public consultation process.

31. Please find more information here: https://naalakkersuisut.gl/da/H%c3%b8ringer/Arkiv-over-h%c3%b8ringer/2015/Nye-retningslinjer-for-udarbejdelse-af-VVM-for-mineprojekter-i-Groenland (please scroll down for an English version).

Re paragraphs 74 & 84:

32. *"communities without access to Internet"*

33. The Government of Greenland kindly informs that there are no communities in Greenland without access to the Internet, except Qeqertat (population 24) near Qaanaaq.

Re paragraph 74:

34. *"public participation in the decision making process is still impaired by the lack of public access to the draft environmental impact assessment report"*

35. The Government of Greenland kindly informs, that following the pre-consultation and the required two-year data and information collection period required subsequently by the EIA guidelines, the draft environmental impact assessment report is published for public consultation. This happens as soon as it lives up to the EIA guidelines. The Public Access Act generally governs access to documents submitted to the authorities; please find an unofficial English translation available here: https://govmin.gl/images/Documents/Mineral_resource_act/Unofficial_consolidation_of_the_Public_Access_Act.pdf.

36. The comments above also refer to the conclusions drawn on page 20 and 21.

Re paragraph 84d:

37. *"The Self Government should further address concerns of a lack of systematic evaluations of former and present extractive projects. Efforts should also be directed towards making public draft environmental impact assessment reports"*

38. The Government of Greenland does not view environmental evaluations of former and present extractive projects as lacking, as they are continuously monitored throughout the mining phases. In addition, scientific advisors have carried out systematic post-closure monitoring since 1968.

39. Furthermore, the draft environmental impact assessment report is made available for public consultation. This is a mandatory requirement stipulated in the Mineral Resources Act and set out in the EIA guidelines. In addition, the Public Access Act covers all documents submitted to the authorities at all times. This includes reports, submitted to the authorities, which fails to meet the EIA guidelines and therefore are not ready for public consultation. This is recognized by a Naalakkersuisut decision of 18th of October 2017.

40. The decision of 18th of October 2017 regarding public access to the draft EIA can be found here: "https://naalakkersuisut.gl/da/Naalakkersuisut/Moeder-for-Naalakkersuisut/M%c3%b8dereferater/2017/10/18_10_17

41. All Naalakkersuisut decisions are published in Greenlandic and Danish on the website www.naalakkersuisut.gl

Re paragraph 76:

42. *"Recent evaluations noted that the majority of the waste in Greenland is disposed of in open dumps or incinerated in simple small-scale incinerators which release toxic chemicals (e.g. dioxins) that accumulate in ice, food and people, calling for the planned improvement"*

43. The Government of Greenland acknowledged the need for a better waste management and kindly informs that a major waste management plan for the period 2015-2025 addresses these issues, with appropriate funding allocated.

44. The Government of Greenland is presently working in cooperation with the municipalities to improve waste management, with a specific focus to minimize the emission of dioxins. A number of initiatives have been initiated, e.g. transport of waste from rural areas and smaller cities to central large-scale incinerators and facilities to handle hazardous waste. The Government of Greenland suggests to adjust the recommendations on page 21 accordingly.

45. Please find more information here:

https://naalakkersuisut.gl//~/media/Nanoq/Files/Attached%20Files/Natur%20Miljoe%20og%20Justitsomraede/Affaldsanlaegssektorplan%20maj%202015/Affaldsanlgssektorplan%202015%20DK%20DOK1947747.PDF

Re paragraph 82:

46. *"Yet, considering the significant risks posed by some activities, greater capacity among environmental officials might be needed to ensure standards are implemented"*

47. As the report does not discuss this issue, the Government of Greenland proposes to withdraw this suggestion.

Comments transmitted on 5 September 2018 (part 1):

48. The revised draft regarding para 66 and corresponding recommendation does not seem to reflect the comments provided by the Government of Greenland. The Government of Greenland has made an agreement with the Danish Government regarding clean up of former US military presence. Furthermore a seperate assessment and monitoring track has been agreed between the Danish and Greenlandic governments specifically regarding Camp Century. The Government of Greenland considers these two agreements important steps towards ensuring appropriate environmental management of sites with former military use. Furthermore our previously provided comments regarding para 66 only relates to Camp Century. We stated that the studies and projects are not necessarily considered sufficient. A final assessment of the adequacy of the studies and projects cannot be made before we know the results of such studies and projects. We do not find that it is a correct reflexion of our comments to state that the studies and projects are insufficient. Therefore, we propose the following adjustment;

49. In January 2018 Danish and Greenlandic authorities signed an agreement to promote the clean-up of American military installations. The deal earmarks 180 million kroner over six years for the clean-up. This followed a February 2017 agreement, adopted for the monitoring and gauging the risks associated with Camp Century and the reported retraction of the covering ice cap. AS REGARDS CAMP CENTURY, the Government of Greenland does not NECESSARILY consider these studies and projects to be sufficient, and reiterates that it does not assume legal responsibility for the detection, investigation and clean-up of pollution, including radioactivity in the area.

Comments transmitted on 5 September 2018 (part 2):

Sec 58: Følgende bedes tilføjet afsnittet:

50. The Arctic Monitoring and Assessment Program, AMAP has during many years provided information about pollution levels in Greenlandic and other Arctic marine mammals based on AMAP protocols and provided information about dietary alternatives. AMAP Assessment 2015, 2009 Human Health in the Arctic; Arctic Monitoring and Assessment Programme.

51. Sec. 72: Exploration licences are granted for a period of ten years **with the possibility of renewals for additional three years at the time**.